



WWW.RIVKINRADLER.COM

NANCY A. DEL PIZZO
Partner
(201) 287-2472
nancy.delpizzo@rivkin.com

25 Main Street
Court Plaza North, Suite 501
Hackensack, NJ 07601-7082
T 201.287.2460 F 201.489.0495

May 27, 2022

The motion to adjourn is GRANTED, and the initial pretrial conference is adjourned *sine die*. Discovery is STAYED on consent of the parties pending resolution of the motion to dismiss.

VIA ECF

The Hon. Lewis J. Liman, U.S.D.J.
United States District Court for the
Southern District of New York
500 Pearl Street, Room 701
New York, New York 10007

SO ORDERED.


LEWIS J. LIMAN
United States District Judge

Date: May 31, 2022
New York, NY

Re: *Bernhard Kühmstedt v. Complex Media, Inc., individually and doing business as "KicksDeals.com," and Does 1-10*, No.: 1:22-cv-1995 (LJL) (KHP)

Dear Judge Liman:

This firm represents defendant, Complex Media, Inc. ("Complex Media"). We write pursuant to paragraph 1.C. of Your Honor's Individual Practices in Civil Cases to request adjournment of the upcoming June 10, 2022, initial conference, which the Court scheduled by Order of May 5, 2022 (D.E. 10), and to request a stay of discovery pending resolution of Complex Media's Motion to Dismiss the Complaint, which was filed on May 13, 2022 and based, among other bases, on there being no redressable injury as required for Article III standing (the "Motion"). (D.E. 14). We seek this adjournment and stay such that the parties can preserve resources and not engage in discovery until a decision on the motion is issued. This is the first request for adjournment and stay. Plaintiff consents to this request.

Under Fed. R. Civ. P. 26(c)(1), this Court has considerable discretion to stay discovery, and has done so where plaintiff consented pending a resolution on a motion to dismiss. See Fed. R. Civ. P. 26(c)(1); see also *Monegro v. Street Insider Dot Com Inc.*, No.: 21-cv-3339 (LJL), 2022 WL 445797, at *2 (S.D.N.Y. Feb. 11, 2022) ("The Court granted request by Defendant, with Plaintiff's consent, to stay discovery pending the Court's decision on this motion to dismiss."); see also, *Integrated Sys. And Power, Inc. v. Honeywell Int'l, Inc.*, No.: 09-cv-5874, 2009 WL 2777076, at *1 (S.D.N.Y. Sept. 1, 2009) (granting stay of discovery).

We thank the Court for its time and consideration.

Respectfully submitted,

RIVKIN RADLER LLP

s/ Nancy A. Del Pizzo
Nancy A. Del Pizzo

c: Counsel of Record via ECF